

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHARLIE B. BUSH JR.,)	4:09CV3076
)	
Petitioner,)	
)	
v.)	MEMORANDUM
)	AND ORDER
MICHAEL THURBER, et al.,)	
)	
Respondents.)	

Petitioner has filed a Petition for Writ of Habeas Corpus under [28 U.S.C. § 2254](#) (filing no. [1](#)), a Motion for Leave to Proceed in Forma Pauperis (“IFP”) (filing no. [2](#)), an Amended Motion for Leave to Proceed IFP (filing no. [4](#)), and a certified copy of his prisoner account statement (filing no. [7](#)). The court provisionally grants Petitioner’s Motion for Leave to Proceed IFP (filing no. [2](#)), and denies his Amended Motion for Leave to Proceed IFP (filing no. [4](#)) as moot.

Habeas corpus cases attacking the legality of a person’s confinement require the payment of a \$5.00 fee. [28 U.S.C. § 1914\(a\)](#). However, pursuant to [28 U.S.C. § 1915\(a\)\(1\)-\(2\)](#), and after considering Petitioner’s financial status, as shown in the records of this court, provisional leave to proceed in forma pauperis will be granted and Petitioner is relieved from paying the fee at this time.

IT IS THEREFORE ORDERED that:

1. Petitioner’s Motion for Leave to Proceed in Forma Pauperis (filing no. [2](#)) is provisionally granted and Petitioner will not be required to pay the \$5.00 fee at this time.
2. Petitioner’s Amended Motion for Leave to Proceed in Forma Pauperis (filing no. [4](#)) is denied as moot.

May 22, 2009.

BY THE COURT:

s/Richard G. Kopf
United States District Judge